

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.33203 of 2019 (O&M)
DATE OF DECISION : 19th OCTOBER, 2019

Arshdeep Singh @ Arsh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Ms. Benti Kaur, Advocate for
 Mr. Kawaljyot Singh, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

CRM-24180-2019

The application is allowed and Annexures P-1 to P-2 are taken on record, subject to all just exceptions.

CRM-M No.33203 of 2019

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.64 dated 24.06.2018 registered under Section 395 IPC at Police Station Sadar Moga, District Moga.

It is contended by counsel for the petitioner that the case against the petitioner is concocted, on the basis of assumption of previous bad conduct of the petitioner. However, the petitioner is not at all involved in this case. Referring to the cross-examination of the complainant, while appearing as a witness before the trial court, learned counsel for the petitioner has submitted that the complainant has

specifically admitted in the cross-examination that he had not seen the petitioner at the spot on the date of incident and that he has seen the petitioner for the first time in the court. Still further it is submitted that the petitioner is in custody since 15.11.2018. The investigation of the case is already complete. The evidence is going on. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, counsel for the State, being instructed by ASI Ragwinder Singh, submits that there are three more cases of similar nature against the petitioner. Therefore, the petitioner is habitual offender. Hence, he does not deserve the concession of bail pending trial. However, it is not disputed that the petitioner is in custody since 15.11.2018 and that he is not required for any investigation purposes as such. However, still further it is not disputed that the complainant has deposed before the Court that he had not seen the petitioner at the spot on the date of incident and that he had seen the petitioner in the court for the first time.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

19TH OCTOBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>